

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:13-CV-585-D

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
\$98,699.60 IN U.S. CURRENCY, )  
 )  
Defendant. )

**ORDER**

On May 20, 2016, the court heard oral argument concerning all pending motions. As discussed in open court and incorporated herein by reference, the court DENIED claimant Kenneth Lamont Clark's ("Clark") motions for attorney's fees, interests, and costs [D.E. 50, 58, 66, 69, 73]. Clark did not "substantially prevail[]" under 28 U.S.C. § 2465(b)(1)(A) concerning the \$31,310.00. The court DENIED Clark's motion for attorney's fees under Federal Rule of Civil Procedure 54(d)(2) and 28 U.S.C. § 1927 [D.E. 99]. The motion was baseless. The court DENIED Clark's motions and demands for a jury trial [D.E. 16, 53, 56, 57, 59, 64, 65, 70, 71, 72] as untimely. See, e.g., Fed. R. Civ. P. 38(b), (d). The court GRANTED the government's motion to strike [D.E. 54] to the extent that the government asked the court to deny the motions and demands at D.E. 50, D.E. 53, D.E. 57, D.E. 58, D.E. 59, D.E. 60, and D.E. 61. Cf. [D.E. 63] 5. The court GRANTED the government's motion for an order directing disbursement of previously dismissed defendant \$31,310.00 U.S. Currency [D.E. 92]. The United States Marshals Service is DIRECTED to return the \$31,310.00 U.S. Currency to Clark. Clark WITHDREW his motion to amend claim of ownership to include Carolina Clean Car Wash & Detailing, Inc., Diversified Corp., Inc., and 301 Investments, LLC [D.E. 78]. The court DENIED the government's motions for summary judgment

[D.E. 74, 113] and DENIED Clark's motions for summary judgment [D.E. 85, 110]. The court GRANTED the government's motion to exceed the page limits [D.E. 117].

The court will hold a bench trial concerning this case beginning Monday, July 25, 2016, in courtroom one of the Terry Sanford Federal Building, 310 New Bern Avenue, Raleigh, North Carolina. The court will issue a case management order in due course.

SO ORDERED. This 20 day of May 2016.

  
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JAMES C. DEVER III  
Chief United States District Judge